

SECTION 11. *Three Branches of City Government.* There shall be in the city a mayor who shall be the chief executive officer of the city, a city council of nine members which shall be the legislative body of the city, and a school committee ... which shall have the powers and duties conferred and imposed by law. [Acts of 1951, c. 376, s. 1.11] [Without amending this specific section, the number of city council members was increased to thirteen (nine district councillors and four at-large councillors) by Acts of 1982, c. 605, s. 1. The school committee was reorganized by Acts of 1991, c. 108.]

SECTION 11A. *Oaths of Office.* Every person elected mayor and every person elected or chosen city councillor or school committeemember shall, before entering upon the duties of his office, take, and subscribe in a book to be kept by the city clerk for the purpose, the oath of allegiance and oath of office prescribed in the constitution of this commonwealth and an oath to support the constitution of the United States. Such oaths shall be administered, to a person elected mayor, by a justice of the supreme judicial court, a judge of a court of record commissioned to hold such court within the city or a justice of the peace, and to a person elected or chosen city councillor or school committeemember, by the mayor or any of the persons authorized to administer said oaths to a person elected mayor. [Acts of 1951, c. 376, s. 1.11A as amended by Acts of 1983, c. 342, s. 1] [See Appendix J]

SECTION 11B. *Provisions for an Acting Mayor.* Whenever the mayor is absent from the city or unable from any cause to perform his duties, and whenever there is a vacancy in the office of mayor from any cause, the president of the city council, while such absence, inability or vacancy continues, shall perform the duties of mayor. If there is no president of the city council or if he also is absent from the city or unable from any cause to perform such duties, they shall be performed, until there is a mayor or president of the city council or the mayor or president of the city council returns or is able to attend to said duties, by such member of the city council as that body by a vote which, for the purposes of section seventeen D, shall be deemed to be a vote electing an official, may elect, and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments. [Acts of 1951, c. 376, s. 1.11B]

GENERAL POWERS OF MAYOR AND CITY COUNCIL

SECTION 12. *Term of Office for Mayor.* [A]t every second regular municipal election after a regular municipal election at which a mayor is elected, a mayor shall be elected at-large to hold office for the four municipal years following the municipal year in which he is elected and thereafter until his successor is elected and qualified. [Acts of 1948, c. 452, s. 12 as amended by Acts of 1951, c. 376 s. 1.12]

SECTION 13. *Vacancy in the Office of Mayor Requiring Special Municipal Election.* If a vacancy occurs in the office of mayor within sixteen weeks prior to a regular municipal election other than a regular municipal election at which a mayor is elected, or within sixteen months after a regular municipal election, or if there is a failure to elect a mayor or a person elected mayor resigns or dies before taking office, the city council shall forthwith adopt an order calling a special municipal election for the purpose of electing at-large a mayor for the unexpired term, which election shall be held on such Tuesday, not less than one hundred and twenty days nor more than one hundred and forty days after the adoption of such order, as the city council shall in such order fix. If a vacancy occurs in the office of

mayor at any other time, a mayor shall be elected at-large at the next regular municipal election to hold office for a term expiring at ten o'clock in the forenoon on the first Monday of the fifth January following his election. A person elected mayor under either of the foregoing provisions shall take and subscribe the oaths required by section eleven A as soon as conveniently may be after the issuance to him of his certificate of election. Such person shall hold office from the time of taking and subscribing such oaths until the expiration of his term and thereafter until his successor is elected and qualified. The provisions of this section shall not apply if a vacancy occurs in the office of mayor in the period beginning on the date of a regular municipal election at which a new mayor is elected and ending at the time he takes office. [Acts of 1948, c. 42, s. 13 as amended by Acts of 1951, c. 376, s. 1.13 as further amended by Acts of 1996, c. 328, s. 1]

SECTION 13A. *Salary of the Mayor.* The mayor shall be paid an annual salary ... as may from time to time be fixed by ordinance. The mayor shall not receive for his services any other compensation or emolument whatever; nor shall he hold any other office of emolument under the city government. [Acts of 1951, c. 376, s. 1.13A -- See CBC 2-7.11 and M.G.L. c. 39, s. 6A¹]

SECTION 14. *Terms of Office for City Councillors.* There shall be in the city of Boston, a city council to consist of nine members elected from equally populous districts and four members elected at-large. [Acts of 1982, c. 605, s. 1] [Each councillor shall] hold office for the two municipal years following the municipal year in which he is elected. [Acts of 1951, c. 376, s. 1.14]

SECTION 15. *Vacancy in the Office of City Councillor-at-large.* If at any time a vacancy occurs in the office of city councillor-at-large for any cause, the city clerk shall within twenty-one calendar days notify the city council thereof; and within fifteen days after such notification, the remaining city councillors shall choose, as city councillor-at-large for the unexpired term, whichever of the defeated candidates for the office of city councillor-at-large at the regular municipal election at which city councillors-at-large were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of city councillor-at-large. If the remaining city councillors fail to choose as hereinbefore provided within fifteen days after the notification of the city council by the city clerk, the choice shall be made by the mayor, or, if there is no mayor, by the president of the city council. [Acts of 1948, c. 452, s. 15 as amended by Acts of 1952 c. 190 as amended by Acts of 1993, c.233, s.1.15 as amended by Acts of 2004, c. 476, s. 2]

¹ M.G.L. c. 39, s. 6A Municipal Salaries; Increases and Decreases; Procedure. Notwithstanding the provisions of any city charter to the contrary, the mayor and the members of the city council, or other legislative body of a city, shall receive for their services such salary as the city council or other legislative body of a city shall by ordinance determine, and shall receive no other compensation from such city, except that a member of a city council of said city may receive a salary for serving as an instructor in a municipal college of such city, except that a member of a city or town council in a municipality with a city or town council form of government may receive a salary for serving as a municipal employee of said municipality in lieu of receiving compensation for serving as a member of said council and except that, in accordance with the provision of the seventh paragraph of section twenty of chapter two hundred and sixty-eight A, any elected municipal official, other than a mayor, may choose to receive either the compensation for such service or compensation for service as an employee of a housing authority in such municipality, but may not receive both. No increase or reduction in such salaries shall take effect during the year in which such increase or reduction is voted, and no change in such ordinance shall be made between the election of a new council or other legislative body and the qualification of the new council or other legislative body. Such ordinance shall be subject to the provisions of sections forty-two, forty-three and forty-four of chapter forty-three.

SECTION 15A. *Vacancy in the Office of District City Councillor.* If a vacancy occurs in the office of district city councillor more than one hundred and eighty days prior to a regular municipal election, the city clerk shall forthwith notify the city council thereof; and at the first city council meeting after the notice has been read, the city council shall forthwith adopt an order calling a special preliminary election for the purpose of nominating a district city councillor for the unexpired term, which election shall be held on a Tuesday, not less than sixty-two nor more than seventy-six days after the adoption of such order, as the city council shall in such order fix. The two candidates for district city councillor receiving the greatest number of votes at the special preliminary election shall be deemed nominated and their names shall be placed on the ballot for the special municipal election, which election shall be held twenty-eight days following the special preliminary election. [Acts of 1948, c. 452, s. 15 as amended by Acts of 1952, c. 190 as amended by Acts of 1993, c. 233, s. 1.15A]

SECTION 15B. *Special Preliminary Elections.* A call for a special preliminary election as provided in section fifteen A shall be in effect upon vote of the city council and no such vote shall be presented to the mayor for his approval notwithstanding the provisions of section seventeen D. All such special elections as provided in section fifteen A shall be governed by the provisions of this act except: (a) the subscription required by section [twenty-four] shall be done within ten days of the call, (b) no nomination petition shall be issued by the election commission before the seventh day following the call, (c) the nomination petition shall be signed, in the case of a district city councillor in a special preliminary election by the same number of signatures as provided in section [twenty-five] for a district city councillor candidate in a regular preliminary election, (d) all nomination petitions shall be filed with the election commission before five o'clock in the afternoon on the fifteenth day following the adoption of the order calling a special preliminary election, (e) no candidate for district city councillor shall withdraw his name from nomination after the last day to file objections to nomination petitions, (f) the election commission shall complete the certification required by section [twenty-six] within two weeks of the last day of the refiling of nomination petitions, (g) a nomination petition which has been filed and is in apparent conformity with the law shall be valid unless written objection thereto is made by a registered voter of the city. Such objection shall be filed with the election commission within three days excluding Saturdays, Sundays and legal holidays following the certification of signatures, (h) no candidate shall be substituted as provided for in section [twenty-six B], and (i) notwithstanding the provisions of any General Law to the contrary, a petition for recount may be filed with the election commission before five o'clock in the afternoon on the third day following the certification of a special preliminary election for nominating a district city councillor. [Acts of 1948, c. 452, s. 15 as amended by Acts of 1952, c. 190 as amended by Acts of 1993, c. 233, s. 1.15B]

SECTION 16. *Salary of the City Councillors.* Every city councillor shall be paid an annual salary ... and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any city councillor. [Acts of 1948, c. 452, s.15 as amended by Acts of 1951, c. 376, s. 1.16 -- See CBC 2-8.1 and M.G.L. c. 39, s. 6A²]

SECTION 17. *Election of City Council President.* The city council shall be the judge of the election and qualifications of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; and shall from time to time

² The text of M.G.L. c. 39, s. 6A is provided in a previous footnote.

establish rules for its proceedings. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen. [Acts of 1948, c. 452, s. 17 as amended by Acts of 1951, c. 376, s. 1.17]

SECTION 17A. *Mayor May Summon City Council.* The mayor may, whenever in his judgment the good of the city requires it, summon a meeting or meetings of the city council although said council stands adjourned to a more distant day, and shall cause suitable written notice of such meeting or meetings to be given to the city councillors. [Acts of 1951, c. 376, s. 1.17A]

SECTION 17B. *Creation of Offices by City Council.* The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of clerk, as it may deem necessary for the conduct of its affairs and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure. The city clerk shall act as clerk of the city council. [Acts of 1951, c. 376, s. 1.17B]

SECTION 17C. *Voting Procedures for Elections by City Council.* All elections by the city council under any provision of law, including the choosing of a city councillor under section fifteen, shall be made by a *viva voce* vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote, as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid. [Acts of 1951, c. 376, s. 1.17C]

SECTION 17D. *Mayoral Approval of City Council Actions.* Every order, ordinance, resolution and vote of the city council (except special municipal election orders adopted under section thirteen, votes relating to the internal affairs of said council, resolutions not affecting legal rights, votes electing officials, and votes confirming appointments by the mayor) shall be presented to the mayor for his approval. If he approves it, he shall sign it; and thereupon it shall be in force. If he disapproves it, he shall, by filing it with the city clerk with his objections thereto in writing, return it to the city council which shall enter the objections at-large on its records. Every order, ordinance, resolution and vote authorizing a loan or appropriating money or accepting a statute involving the expenditure of money, which is so returned to the city council, shall be void, and no further action shall be taken thereon; but the city council shall proceed forthwith to reconsider every other order, ordinance, resolution and vote so returned, and if, after such reconsideration, two thirds of all the city councillors vote to pass it notwithstanding the disapproval of the mayor, it shall then be in force; but no such vote shall be taken before the seventh day after the city council has entered the objections at-large on its records. Every order, ordinance, resolution or vote required by this section to be presented to the mayor which, within fifteen days after such presentation, is neither signed by him nor filed with his written objections as hereinbefore provided, shall be in force on and after the sixteenth day following such presentation.

Every order, ordinance, resolution or vote required by this section to be presented to the mayor shall be approved as a whole or disapproved as a whole; except that, if the same authorizes a loan or appropriates money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall, upon his signing the same, be in force and such items or parts of items as he disapproves by filing with the city clerk his written objections thereto shall be void, and such items or parts of items as he neither signs nor so

disapproves within fifteen days after the order, ordinance, resolution or vote shall have been presented to him shall be in force on and after the sixteenth day following such presentation. [Acts of 1951, c. 376, s. 1.17D]

SECTION 17E. *Mayoral Recommendations via Ordinances and Loan Orders.* The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations as he may deem to be for the welfare of the city. The city council shall consider each ordinance or loan order so presented and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If such ordinance or loan order is not rejected within said sixty days, it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance or loan order which has been rejected or withdrawn. The city council may originate an ordinance or loan order and may reduce or reject any item in any loan and, subject to the approval of the mayor, may amend an ordinance. All sales of land other than school lands, all appropriations for the purchase of land, and all loans voted by the city council shall require a vote of two thirds of all the city councillors and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first, except that in the case of loan orders for temporary loans in anticipation of taxes the second of said readings and votes may be had not less than twenty-four hours after the first. No amendment increasing the amount to be paid for the purchase of land, or the amount of loans, or altering the disposition of purchase money or of the proceeds of loans shall be made at the time of the second reading and vote. If a petition signed by three city councillors requesting that action be taken forthwith upon a loan order presented by the mayor is filed in the office of the city clerk not earlier than fourteen days after the presentation of such loan order, action shall be taken by the yeas and nays on the question of the adoption of such loan order at the next meeting of the council, or, if one vote has already been taken thereon, at the next meeting after the expiration of the required interval after such vote; provided, that such action thereon has not sooner been taken or such loan order has not been withdrawn by the mayor. [Acts of 1951, c.376, s.1.17E, amended by Acts of 1966, c. 642, s. 14]

SECTION 17F. *Requests for Specific Information.* The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire. [Acts of 1951, c. 376, s. 1.17F]

SECTION 17G. *Restrictions on the Making of Contracts.* Except as otherwise provided in chapter four hundred and eighty-six of the acts of nineteen hundred and nine, neither the city council nor any member, committee, officer or employee thereof shall directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, or the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, or management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any city or county employee; nor in the expenditure of public money except such as may be necessary for

the contingent and incidental expenses of the city council. Any person violating any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both. [Acts of 1951, c.376, s.1.17G]

No contract for lighting the public streets, parks, or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days' notice shall have been given in the City Record. [Acts of 1909, c. 486, s. 6]

The provisions of this section shall not affect the powers or duties of the city council as the successor of the present board of aldermen relative to state or military aid and soldiers' relief. [Acts of 1909, c. 486, s. 8]

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission directly or indirectly to make a contract with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to make such contract on behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk: *provided, however*, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract. [Acts of 1909, c. 486, s. 8]

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. [Acts of 1909, c. 486, s. 8]

SECTION 17H. *Restrictions on City Employment.* No city councillor nor any person elected city councillor shall, during the term for which he is elected or chosen, be appointed to, or hold, any office or position which is under the city government or the salary of which is payable out of the city treasury except the office of city councillor and any office held ex officio by virtue of being a member, or president, of the city council; provided, however, that nothing herein contained shall prevent a city councillor or any person elected city councillor from, during the term for which he is elected or chosen, being appointed by the governor, with or without the advice and consent of the council, to, and holding, any such office or position if before entering upon the duties of such office or position he resigns as city councillor or city councillor elect. [Acts of 1951, c. 376, s. 1.17H]

SECTION 17I. *Power to Summons and Subpoena.* Witnesses may be summoned to attend and testify and to produce books and papers at a hearing before a city council, ... a licensing board or licensing authorities, as defined in section one of chapter one hundred and thirty-eight [of the General Laws], ... the police commissioner or election commissioners of Boston, ... as to matters within their authority; and such witnesses shall be summoned in the same manner, be paid the same fees and be subject to the same penalties for default, as witnesses in civil cases before the courts. The presiding officer of such council ... or a member of any such committee, board or commission, or any such commissioner, may administer oaths to witnesses who appear before such council, branch thereof, committee, board, commission or commissioner, respectively. [General Laws c. 233, s. 8]

CITY DISTRICTS

SECTION 18. *District Boundaries.* [T]he respective district lines shall be the same for the city council and the school committee. Each such district shall be compact and shall contain, as nearly as may be, an equal number of inhabitants as determined by the most recent state decennial census, shall be composed of contiguous existing precincts, and shall be drawn with a view toward preserving the integrity of existing neighborhoods. [Acts of 1982, c. 605, s. 3] [The ordinance containing the definition and boundaries of the districts is found at CBC 2-9.2 and the text of that ordinance is included as Appendix F. A map of the districts is included as Appendix G.]

Said districts shall continue in force until redrawn by the city council as provided herein. The council shall redraw the districts for the purpose of city council and school committee representation as specified in this section on or before (a) ninety days from the date that the nineteen hundred and eighty-five state census, including census figures for the city of Boston, is properly certified by the state secretary; and (b) on or before August first, nineteen hundred and ninety-six and on or before said August first every subsequent tenth year. [Acts of 1986, c. 343, s. 1]

SECTION 19. *District Requirements.* In the year nineteen hundred and eighty-five, and each subsequent year, the city of Boston shall not be required to make a new division of its territory into wards as required by section one of chapter fifty-four of the General Laws. [Acts of 1982, c. 605, s. 3]

SECTION 20. *Habitation Requirements for Representation.* Every city councillor ... who is elected to represent an individual district shall have been an inhabitant of a place within the district for which he is chosen for at least one year immediately preceding his election, and he shall cease to represent such district when he shall cease to be an inhabitant thereof. [Acts of 1982, c. 605, s. 6]

PROCEDURES RELATING TO ELECTIONS

SECTION 21. *Biennial Municipal Election.* Beginning in the year nineteen hundred and twenty-five, the municipal election in said city shall take place biennially in every odd numbered year on the Tuesday after the first Monday in November. [Acts of 1909, c. 486, s. 32, amended by Acts of 1914, c. 730, s. 1, amended by Acts of 1921, c. 288, s. 1, and further amended by Acts of 1924, c. 479, s. 4] [See Appendix K]